

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PETER WOJCIECHOWSKI, on his own behalf )  
and on behalf of all other persons similarly )  
situated, )

Plaintiff, )

v. )

CLEAREDGE POWER, INC., and )  
CLEAREDGE POWER, LLC, )

Defendants. )

Case No.: 5:14-CV-01951-LHK

ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE


Plaintiff Peter Wojciechowski ("Plaintiff") filed this putative class action against Defendants Clearedge Power, Inc. and Clearedge Power, LLC (collectively, "Defendants") on April 28, 2014. ECF No. 1. A summons was issued to Defendants on April 29, 2014, ECF No. 4, but the docket does not indicate whether Defendants were in fact served, and Defendants have not appeared in this case.

Under Civil Local Rule 16-10(d), Plaintiff was required to file a case management statement seven days in advance of the initial case management conference scheduled for September 3, 2014, at 2:00 p.m. Plaintiff failed to file a case management statement by the seven-day deadline. Accordingly, on August 29, 2014, the Court ordered Plaintiff to file a case management statement by September 2, 2014 at 10:00 a.m. ECF No. 6. Plaintiff failed to file a case management statement, and did not appear at the September 3 case management conference.

1 Plaintiff's apparent failure to serve Defendants within 120 days of filing his complaint, as  
2 required by Federal Rule of Civil Procedure 4(m); Plaintiff's failure to file a case management  
3 statement in accordance with the Civil Local Rules; Plaintiff's failure to follow the Court's order to  
4 file a case management statement; and Plaintiff's failure appear for the case management  
5 conference indicates that Plaintiff has abandoned this litigation. The Court hereby ORDERS  
6 Plaintiff to show cause why this case should not be dismissed with prejudice for failure to  
7 prosecute. Plaintiff has until September 8, 2014 to file a response to this Order to Show Cause. A  
8 hearing on this Order to Show Cause is set for **Thursday, September 11, 2014, at 1:30 p.m.**  
9 Plaintiff's failure to respond to this Order and appear at the September 11, 2014 hearing will result  
10 in dismissal with prejudice for failure to prosecute.

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12 **IT IS SO ORDERED.**

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14 Dated: September 3, 2014

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16 LUCY H. KOH  
17 United States District Judge  
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